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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 8th meeting
Held at Headquarters, New York, on Tuesday, 21 June 2016, at 10 a.m.

Chair: Mr. Rivero Rosario, Vice-Chair ..... (Cuba)

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16-10402 (E)

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The meeting was called to order at 10.30 a.m.

1. *In the absence of Mr. Ramírez Carreño (Bolivarian Republic of Venezuela), Mr. Rivero Rosario (Cuba), Vice-Chair, took the Chair.*

Adoption of the agenda

2. *The agenda was adopted.*

Question of Tokelau (A/AC.109/2016/14; A/AC.109/2016/L.25)

3. **The Chair** drew attention to the working paper on Tokelau prepared by the Secretariat (A/AC.109/2016/14) and to a draft resolution on the question of Tokelau (A/AC.109/2016/L.25).

Hearing of representatives of the Non-Self-Governing Territory

4. **The Chair** said that, in line with the Committee's usual practice, representatives of Non-Self-Governing Territories would be invited to address the Committee and would withdraw after making their statements.

5. **Mr. Gaualofa** (Ulu-o-Tokelau), titular head of the Territory, said that of the challenges facing the international community, the complex and multidimensional issue of climate change was the most pressing. In discussions on climate change the people of Tokelau had a distinct voice, and United Nations agencies therefore needed to allow the people to express that voice. To that end, Tokelau wished to be invited to participate in the United Nations meetings on climate change and oceans.

6. Tokelau was an island country consisting of three atolls, with a combined land area of only 10 square kilometres but more than 318,000 square kilometres of ocean. Given its geography, the issue of climate change was extremely relevant to Tokelau.

7. Tokelauans were New Zealand citizens with full rights to live and work in New Zealand. The administering Power provided some 60 per cent of the annual budget of the government of Tokelau but the country had its own political institutions, judicial system, public services, telecommunications and shipping systems, as well as full control over its budget. Tokelau's relationship with New Zealand was managed by the Administrator of Tokelau, who was a senior civil servant of New Zealand appointed by the Ministry of Foreign Affairs.

8. New Zealand provided funding to support the priorities of the government of Tokelau, which included strengthening the country's public services, improving the quality of life of its citizens and maximizing its fisheries revenue. In February 2016, New Zealand had provided Tokelau with a new purpose-built passenger and cargo vessel designed to meet the essential shipping needs of the three atolls comprising Tokelau.

9. Following the construction of two new schools and a hospital in 2013, the Government of New Zealand was working with Tokelau to improve the quality of teaching and learning outcomes in schools, improve its international fisheries sector and increase related revenue, protect food security, prepare a 30-year asset management plan to create and maintain adequate public infrastructure, and strengthen economic governance.

10. Tokelau had come a long way, and such progress would not have been possible without the generous support of the Government of New Zealand. Tokelau was very grateful for the assistance it continued to receive as it strived to meet the aspirations of its people for a stronger, brighter and more reliable future. It was also grateful for the interest shown by the Committee and the United Nations as a whole in the welfare of Tokelauans. Tokelau was currently working with the United Nations Development Programme to ensure that future development frameworks such as the Sustainable Development Goals responded to local priorities, targets and indicators. Unfortunately, owing to its political status, Tokelau was not eligible for many of the United Nations climate-change resources, and yet it needed access to those resources and to the expertise of United Nations agencies, including the Green Climate Fund, to improve its adaptation and mitigation measures.

11. In the decolonization process, efforts should be made to meet the specific needs of particular groups, given that the solutions for one country might not be relevant to another country. The free association model offered a great deal of flexibility, whereas independence was unlikely to be of interest to the smallest of territories in the short or medium term. Integration might be a good choice for some small

Territories but not for many because of the perceived risks of assimilation and loss of identity.

12. In the case of Tokelau, the people could make a well-informed decision on self-government only if the support from the administering Power was complemented by support from the Committee that consisted of more than just the opportunity to meet once a year and report on the progress made. New Zealand was complying with its constitutional responsibility, but in areas such as climate change, New Zealand could not be expected to sacrifice the interests of its own citizens. In the discussions on climate change, Tokelau needed to be able to stand with other similar Pacific countries regardless of constitutional status. Tokelau's unique culture, language and traditions would likely disappear if the country was unable to engage directly in the discussions related to the United Nations Framework Convention on Climate Change. Moreover, as a result of its geography, Tokelau could provide valuable insight in climate change negotiations. The world was united in the war against climate change. Tokelau wished to assume its obligation and responsibility to fight alongside other nations for the very existence of humanity. The Committee should therefore consider how it could provide practical support to enable Tokelau to participate in United Nations meetings on climate change and oceans.

13. The government of Tokelau was working to ensure that the country was in a strong position when the people made a decision on self-government. The spirit of self-determination was alive in Tokelau and the government was determined to establish robust infrastructure that provided the services that its communities needed. The people wished to be in control of their own destiny and that ultimate goal was respected by the Government of New Zealand, which had provided constant support without pressing for self-determination. The government of Tokelau had established a long-term plan for 2015-2030 comprising three five-year strategies. Under the current five-year strategy, it was working proactively to achieve self-reliance and self-determination, and to ensure effective use of the country's limited resources as it sought to achieve a sustainable and decolonized future for Tokelau.

14. **Ms. Rodríguez Silva** (Bolivarian Republic of Venezuela) said that her delegation welcomed the willingness of New Zealand to cooperate with the Territory and to seek ways to allow the people of Tokelau to achieve free expression and self-determination. It trusted that the Declaration would be fully implemented and that, in the near future, the people of Tokelau would be able to exercise self-determination without conditions, direct or indirect pressure, or fear.

15. **Ms. Te Puni** (Observer for New Zealand), Administrator of Tokelau, said that New Zealand continued to appreciate the interest of the Committee in Tokelau and remained committed to ensuring that timely and accurate information about Tokelau was provided to the Committee and the wider United Nations system. As an administering Power, and aware of the many persistent challenges that the Territory faced, particularly its position as one of the most geographically isolated communities in the world, New Zealand continued to work very closely with the Tokelau leadership and its people. In line with its constitutional relationship with Tokelau, her Government's priorities continued to be ensuring that all Tokelauans received appropriate essential services and improving the quality of life for people living in Tokelau.

16. Among the many work streams currently under way was the new purpose-built ferry, the Mataliki, which had been handed over to Tokelau in February 2016 during a special ceremony. The ship, which had been funded by New Zealand at a cost of $NZ12.95 million, incorporated specific elements that had been requested by the people of Tokelau and represented a milestone in improving connectivity between Tokelau and the outside world.

17. In education, the Government of New Zealand had contracted education specialists from a New Zealand university to provide long-term assistance to the Department of Education of Tokelau and its three schools in the form of on-site training and mentoring. A four-year plan had been established to improve the quality of education at all levels and the partnership had already resulted in improved teaching practices and better learning outcomes for children. In addition, the Government of New Zealand had provided a grant of $NZ1.5 million to develop new teaching and learning programmes in schools. The government of Tokelau had also received a grant from the Government of Australia for the production of Tokelau language resources for schools.

18. The Administrator of Tokelau continued to manage Tokelau's exclusive economic zone fisheries resource, which was Tokelau's largest income source, in conjunction with Tokelau and with the assistance of the New Zealand Ministry of Primary Industries. The Government of New Zealand was also working closely with Tokelau on a series of fisheries reforms designed to improve governance and establish a new fisheries management agency for Tokelau.

19. With regard to climate change, the two countries shared the same objective of implementing an accelerated transition to a low-emissions global economy secured by an effective global agreement in which support was provided for countries that needed it and the major emitters pulled their weight. The Government of New Zealand was working closely with Tokelau on its climate change response plans. It fully recognized the importance to Tokelau of having its voice heard and would continue to facilitate the participation of Tokelau in negotiations on climate changes issues through the New Zealand delegation.

20. New Zealand had provided technical assistance to help the Tokelau Telecommunications Corporation to map out its investment strategy and develop technical specifications for its mobile telephone service. Tokelau was committed to improving its information and telecommunications connectivity and New Zealand was assisting it in reviewing investment options. The government of Tokelau had also requested expert technical assistance to strengthen public financial management and, in response, New Zealand would fund a three-year programme of assistance and capacity-building.

21. New Zealand respected the pace that Tokelau alone wished to set as it developed towards the future of its choosing. New Zealand remained committed to the long-term development of Tokelau and continued to provide the largest amount of development assistance that Tokelau received. New Zealand valued its close association with Tokelau and remained resolute in supporting the Territory's remote communities of New Zealand citizens.

Draft resolution A/AC.109/2016/L.25: Question of Tokelau

22. **Mr. Rai** (Papua New Guinea), introducing the draft resolution on behalf of his country and Fiji, said that it was vital that New Zealand continued to provide adequate information on developments relating to the self-determination process in Tokelau in accordance with the Charter of the United Nations.

23. Following the referendums held in 2006 and 2007, agreement had been reached between the people of Tokelau and the administering Power to defer the question of self-determination until the people of Tokelau were ready. Since that time, Tokelau and the administering Power had focused on improving the welfare of the people of the Territory; building capacity and resilience against the threats posed by climate change; strengthening good governance; enhancing women's empowerment and equality; ensuring sustainable energy security; improving maritime transport; and sustainably developing the fisheries sector and other resources in the Territory's exclusive economic zone. The free, fair and democratic elections held in early 2014 had strengthened the political system of Tokelau and improved decision-making in the affairs of the Territory.

24. Much of the previous year's resolution remained important and, as in 2015, the most significant new development was contained in paragraph 10 of the draft resolution, which related to the participation of Tokelau in regional and international affairs. Such participation was an important building block for its future aspirations. In an unprecedented and landmark event, Tokelau had successfully chaired and hosted the Forum Fisheries Committee and the Ministerial Meeting of the Pacific Islands Forum Fisheries Agency. In addition, the Ulu-o-Tokelau, as the Chair of the Forum Fisheries Agency, had represented that organization at the third International Conference on Small Island Developing States which had adopted the outcome document, SIDS Accelerated Modalities of Action (SAMOA) Pathway. In April 2016, Tokelau had signed the Pacific Islands Development Forum Charter to become the twelfth member of the Pacific Islands Development Forum. Tokelau was also the Chair of the Polynesian Leaders Group for 2016.

25. It was imperative that the United Nations worked with the people of Tokelau and the administering Power as the people of the Territory strived to determine their future status. The ongoing cooperative partnership between Tokelau and New Zealand and with all relevant stakeholders including the United Nations demonstrated the commitment of the Territory to work towards the future well-being of the people of Tokelau in line with their aspirations for self-

determination. The continuing exemplary mutual understanding and constructive engagement between Tokelau and New Zealand was a useful benchmark for the self-determination process for other Non-Self-Governing Territories and administering Powers.

Draft resolution A/AC.109/2016/L.25 was adopted.

26. **Mr. Suveinakama** (Fiji) welcomed the support that the Administrator of Tokelau was giving to the people of Tokelau as they strived to achieve their development aspirations. The relationship between the Administrator and the government of Tokelau was based on the spirit of decolonization espoused in the Charter of the United Nations and the Declaration on the Granting of Independence to Colonial Countries and Peoples, and the two were working together closely to effectively address the will and needs of the people. That included the joint decision to defer any act of self-determination while efforts were being undertaken to enhance and strengthen livelihoods. Although efforts should be made towards the political independence of all Non-Self-Governing Territories, the current social and economic development needs of the populations should be integral to the decolonization process.

27. In addition to the issues related to self-determination, the process of decolonization involved careful consideration of such nation-building issues as education, infrastructure and natural resources, which should be taken into account during any discussion on self-determination. That would ensure that a country was equipped to take control not only of its political destiny but also of its future development on all fronts. Tokelau's national strategic plan for the period 2016-2020, which was geared toward self-reliance, provided a good basis in that regard.

28. Any decision concerning the populations of Non-Self-Governing Territories must be made in accordance with their will. To that end, Fiji encouraged ongoing positive dialogue with partners, including Administrators, and called on all stakeholders to remain engaged. With the combined efforts and the goodwill of all concerned, the decolonization agenda could be advanced and steered in a positive direction.

The meeting was suspended at 11.20 a.m. and was resumed at 11.35 a.m.

Questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands and the United States Virgin Islands (A/AC.109/2016/1, A/AC.109/2016/2, A/AC.109/2016/3, A/AC.109/2016/4, A/AC.109/2016/5, A/AC.109/2016/9, A/AC.109/2016/10, A/AC.109/2016/12, A/AC.109/2016/13, A/AC.109/2016/15 and A/AC.109/2016/16)

29. **The Chair** drew attention to the working papers prepared by the Secretariat for information on those Non-Self-Governing Territories. As the relevant draft resolutions were still being processed, it was proposed that the Committee should take action on them during the plenary session later that week.

Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/AC.109/2016/L.20)

Draft resolution A/AC.109/2016/L.20: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

30. *Draft resolution A/AC.109/2016/L.20 was adopted*

Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations (A/AC.109/2016/L.21)

Draft resolution A/AC.109/2016/L.21: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations

31. **The Chair** drew attention to the draft resolution contained in document A/AC.109/2016/L.21, and to documents A/70/64 and E/2015/65.

32. **Mr. Boguslavsky** (Russian Federation) said that the Russian Federation had consistently championed decolonization and the achievement of the rights of non-self-governing peoples and their territories to self-determination and independence. However, looking at that strictly political question in the framework of the Economic and Social Council drew the Council away from its main task of coordinating United Nations

activities in the social and economic fields. Mindful of that, the Russian Federation would abstain from voting on the draft resolution.

33. *Draft resolution A/AC.109/2016/L.21 was adopted.*

Economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories (A/AC.109/2016/L.22)

Draft resolution A/AC.109/2016/L.22: Economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories

34. **The Chair** drew attention to the draft resolution contained in document A/AC.109/2016/L.22. As the draft resolution was still being processed, action would be taken later in the week.

35. **Mr. Sevilla Borja** (Ecuador) said that his delegation remained concerned that certain administering Powers continued to use Non-Self-Governing Territories as tax havens. That practice adversely affected developing countries, some of which were on the list examined by the Committee, as it facilitated the outflow of capital that would otherwise have been useful for development activities, including implementation of the 2030 Agenda for Sustainable Development. He trusted that the draft resolution would accurately reflect the concerns of his delegation.

36. **Mr. Arcia Vivas** (Bolivarian Republic of Venezuela) said that the administering Powers had a responsibility to take effective measures to safeguard the sovereignty and inalienable rights of the peoples of the Non-Self-Governing Territories over their natural resources. That serious matter, which was of the utmost importance to his delegation, should be addressed on a case-by-case basis given the particularities of the Non-Self-Governing Territories on the Committee's list. The Committee should maintain ongoing discussions on the matter and should ensure implementation of that aspect of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

The meeting rose at 12 p.m.

United Nations A/AC.109/2016/SR.9

General Assembly

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29 July 2016

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 9th meeting
Held at Headquarters, New York, on Thursday, 23 June 2016, at 10 a.m.

Chair: Mr. Ramírez Carreño ..... (Bolivarian Republic of Venezuela)

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16-10760 (E)

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The meeting was called to order at 10.30 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Requests for hearing

2. **The Chair** drew attention to the requests for hearing relating to the question of the Falkland Islands (Malvinas), contained in aide-memoire 04/16. He took it that the Committee wished to grant those requests.

3. *It was so decided.*

Question of the Falkland Islands (Malvinas)
(A/AC.109/2016/6; A/AC.109/2016/L.7)

4. **The Chair** read out an updated list of the delegations that had indicated their wish to participate in the Committee's 2016 session as observers, namely, Algeria, Angola, Argentina, Costa Rica, El Salvador, Ghana, Guatemala, Mexico, Morocco, Namibia, Palau, Panama, Paraguay, Solomon Islands, South Africa, Spain, Sri Lanka, Uruguay, the Observer for the Holy See and the Observer for the Sovereign Military Order of Malta.

Hearing of petitioners

5. **The Chair** said that, in line with the Committee's usual practice, petitioners would be invited to take a place at the petitioners' table and would withdraw after making their statements.

6. **Mr. Summers** (Legislative Assembly of the Falkland Islands) said that the economy of the Falkland Islands needed to be seen within the context of their remote location, small population and limited land area but very extensive ocean regions under their control. The economy was strong: the annual GDP averaged around GBP 130 million, reserves were high and there were no borrowings. The Falkland Islands had been economically self-sufficient since 1990, except for the cost of defence. They paid no taxes to the United Kingdom and received no income, enabling them to maintain a substantial degree of political independence from the British Government, while developing their own public services and infrastructure and regulating the exploitation of their own natural resources.

7. The Falklands economy was based on fishing, tourism and agriculture. The fishing industry contributed some 60 per cent of GDP and the Islands' sustainable fisheries were considered to be among the best-managed in the world. The tourism industry represented an estimated 7 per cent of GDP, having attracted wildlife expedition cruises and larger luxury cruises. Sheep farming for wool was the traditional mainstay of Island agriculture, and there had been heavy investment in the latest reproductive technologies. In addition, a new hydrocarbon exploration programme had, with the discovery of over 500 million barrels of recoverable reserves, brought substantial additional economic activity and created new skills. Moreover, the programme provided economic opportunity not only for Falkland Islanders, but also for experienced logistics and supply companies in Argentina, Brazil, Chile and Uruguay, none of which had yet taken up that opportunity.

8. Each of the traditional economic activities of the Falkland Islands relied heavily on maintaining a pristine environment and the continuance of good environmental practices. The Falkland Islands government demanded the highest environmental standards in all industries, in particular oil exploration. It had invested recently in a new environmental research institute, which had established working arrangements with a number of distinguished universities and similar institutions around the world. The Islands were being preserved for future generations.

9. The Falkland Islands had moved rapidly over the last 30 years to become an internally self-governing overseas territory. The revised 2009 Constitution guaranteed a full range of protections of fundamental freedoms, including the right to self-determination, the clauses on which mirrored the provisions of the Charter of the United Nations relating to Non-Self-Governing Territories. It explicitly recognized that the natural resources of the Falkland Islands belonged to the government and people of the Falkland Islands, not the United Kingdom.

10. The Legislative Assembly made the laws for the Falkland Islands. The Executive, formed of three elected members of the Assembly, was responsible for determining strategies and policies and for the good governance of the Islands. The Government of the United Kingdom remained responsible only for foreign affairs and defence. The defence commitment provided by the United Kingdom was principally a deterrent and proportionate to the perceived level of threat. Members of the Assembly engaged fully in the development of

foreign policy where it affected Falkland Islanders and in public diplomacy overseas.

11. Falkland Islanders had demonstrated that they were comfortable with their existing constitutional relationship with the United Kingdom through a 2013 referendum, the turnout for which had been 92 per cent, with 99.8 per cent voting in favour of remaining an overseas territory of the United Kingdom. Neither the United Kingdom nor the Falkland Islanders doubted British sovereignty over the Falklands; and the United Kingdom had consistently stated that it would not discuss the sovereignty of the Islands unless and until the Islanders wished to do so. At the moment, they did not so wish. The United Kingdom had made it equally clear that it would not discuss other issues about the Falkland Islands with third parties unless Falkland Islanders so wished and were present.

12. During the last 30 years, the Falkland Islands government had provided substantial new infrastructure, through selective and considered investment of its own income and reserves, without borrowing anything or relying on the financial assistance of a third party. When first discovered, the Falkland Islands had had no native population and no ethnic population had been absorbed, suppressed or extinguished. Settlers had arrived and departed of their own free will, from many different parts of the world. At recent censuses, Falkland Islanders had identified as coming from 57 different ethnic backgrounds. The facts simply did not support the claim that the Islanders were an implanted British population; they were a people in their own right.

13. Argentina had made continued attempts to destroy the economy and livelihood of the Falkland Islands and sought to harass and bully the Islanders through a series of ongoing economic sanctions. The new Government of Argentina had made some encouraging remarks about its approach to the Falkland Islands, but nothing had changed. The Falkland Islands hoped that Argentina would soon feel able to dismantle its barriers to trade, cooperation and good-neighbourliness. The Falkland Islands government remained willing, together with the United Kingdom, to enter into dialogue to find ways of working together for the benefit of future generations. Such dialogue did not include discussions on sovereignty. After 160 years, the Falkland Islands were no longer a colony of the United Kingdom and they had no intention of becoming a colony of Argentina.

14. The Committee had specifically declined to observe the referendum of 2013, in which the Falkland Islanders had exercised their right to self-determination as a strong, independent and peaceful people. It had been unable to witness the move of the Falkland Islands away from colonialism because of its continued refusal to organize a visiting mission to the Islands, despite having been invited every year for several years to do so. He formally urged the Committee to fulfil its sole responsibility to have proper regard for the people of the Non-Self-Governing Territories, including Falkland Islanders.

15. **Mr. Short** (Legislative Assembly of the Falkland Islands) said that the makeup of the Falklands population had always been very cosmopolitan and roughly 60 nationalities were currently represented on the Islands. Many people had taken Falkland Islands citizenship, showing that they were not just passing through. The ethnic mix caused no problems and no one was persecuted because of religion or colour.

16. The working practices of the Committee might be in need of overhaul, if it was to devise the fresh and creative approaches to decolonization urged upon it by the Secretary-General. The Special Committee had been established for the purpose of monitoring the implementation of General Assembly resolution 1514 (XV), and among what it saw as its mandated functions, the Committee dispatched visiting missions, organized seminars on the political, social and economic situation in the Non-Self-Governing Territories, mobilized public opinion in support of decolonization and held celebrations of solidarity with the peoples of the Territories. However, the Falkland Islands had seen no visits, no forums and no solidarity from the Committee.

17. Under General Assembly resolution 1514 (XV), Falkland Islanders had the right to freely determine their political status and freely pursue their social, economic and cultural development. However, as they sought to pursue their economic development, Argentina had for many years been trying to wreck the Falklands economy and making unwelcome attempts to return the Islanders to a colonial situation. Despite that, the economy had gone from strength to strength. Through prudent fiscal management and shrewd economic planning, the Falkland Islands had been transformed from a failing country prior to 1982 to a country that was the envy of many.

18. Exploration had indicated that hydrocarbons could be found in the Falkland Islands, which would transform the country. The United Kingdom had stated that it would abide by the United Nations Fourth Committee affirmation that all peoples of the Non-Self-Governing Territories were free to enjoy their natural resources; all royalties from any hydrocarbons would therefore be paid to the government of the Falkland Islands to invest and use as it saw fit for the benefit of the country and its people. The Falkland Islands would not allow a hydrocarbon industry to damage their pristine environment and had already insisted on the highest standards from hydrocarbons companies. If forced to choose, the Falkland Islands would probably choose their environment over oil. Even without oil, the economy was strong enough for the Falkland Islands to continue growing, developing and strengthening. The potential existence of oil might, however, explain why a certain neighbour wished to do a land-grab.

19. The Falkland Islands had a huge amount of autonomy. They were completely self-governing internally and relied on the United Kingdom only for matters of foreign affairs and defence. Through constitutional changes, investment in education, sound economic practices and land reform, they had moved away from being a colony, and were not being held against their will. They wished to continue on the path of political change through evolution, not revolution. If the Committee did not believe the results of the recent referendum on the political future of the Falkland Islands, then it should perhaps organize a referendum that was officially backed and monitored by the United Nations. Better yet, it should send a visiting mission and talk to the people.

20. The United Nations recognized three main self-determination options for the Non-Self-Governing Territories: independence, integration or free association with another State. The Falkland Islands were very protective of their autonomy and would see integration as a backward step towards the colonial situation from which they had been moving away. They might, in a perfect world, be able to work towards full independence or free association, but there was the problem of another larger and more powerful neighbouring nation that wished to usurp the country. Too small and few in number to defend themselves, they would be needing the protection of a friendly nation for years to come. Because of its own colonial ambitions towards the Falkland Islands, Argentina was stopping them from fully exploring self-determination options that were acceptable to their people in order to remove themselves from the list of Non-Self-Governing Territories, thus keeping them in an unacceptable dependent position.

21. The Falkland Islands had heard that the previous year the Committee had considered sending a delegation to the United Kingdom and Argentina to discuss the Falkland Islands. He sincerely hoped that the Committee did not want to consult with the country that some saw as the old colonial master and the one that had designs on being the new colonial master. It was the Committee's duty to listen to the people of the Falkland Islands; only they could say what they wanted for their political future. The Committee was about decolonization, not recolonization. His people would never permit anyone to undermine or bypass their right to self-determination or put them back into a colonial situation.

22. **Mr. Betts** said that he had been a permanent resident of the Malvinas Islands until 1982. From infancy, it had been instilled in him that he was British and that the Islands belonged to the United Kingdom. However, his research into the origins of the dispute had completely overturned those preconceived ideas.

23. Argentine sovereignty over the territory was based on a historical title inherited upon independence from Spain prior to the British colonization of the Malvinas Islands. The United Kingdom, by contrast, had taken the territory by force in 1833, and had continued to manipulate the facts ever since, as in its assertion that the first British colony had been founded on uninhabited territory. Equally, the arguments of acquisitive prescription — the acquisition of a territory through continuous and undisturbed sovereignty over it for a long period of time — or historical consolidation — title to a territory based on historical factors such as peaceful possession over a long period of time — used by the United Kingdom did not apply, since Argentina had regularly voiced its opposition to British possession of the Islands.

24. The current inhabitants of the archipelago were indivisible from the people of the British Isles and they were not a people subjected to alien subjugation or exploitation, as defined by General Assembly resolution 1514 (XV). They therefore did not meet the conditions to benefit from the right to self-

determination. Also, the principle of self-determination was incorrectly invoked in the case of the Malvinas Islands as no dispute existed over the political status of the colonial population, but rather over the territory upon which the colony had been established. Furthermore, paragraph 6 of resolution 1514 (XV) established that the territorial integrity of a country took precedence over self-determination.

25. The latest census report in 2012 had shown that roughly one quarter of the overwhelmingly British population on the islands consisted of British immigrants, which was evidence of a policy of continuous recolonization. The United Kingdom maintained tight demographic control of the labour force by requiring foreign workers to obtain a permit and giving preference to applicants from certain Commonwealth countries and territories, thereby ensuring that the population remained predominantly Anglo-Saxon.

26. All the Latin American and Caribbean States were affected by the unresolved dispute, which represented an open wound in the South Atlantic and a risk to regional security, and they had recognized the legitimacy of the Argentine claim. The Organization of American States (OAS) had adopted a new declaration on the subject of the Malvinas Islands the previous week, and the position of Argentina was supported by intergovernmental forums and other groups all over the world.

27. The United Kingdom had built up its military base at Monte Agradable in the Malvinas Islands since 1986, the very same year that the General Assembly, in resolution 41/11, had declared the Atlantic Ocean between Africa and South America to be a zone of peace and cooperation of the South Atlantic. Militarization of the islands also violated paragraph 9 of General Assembly resolution 2708 (XXV), which requested colonial Powers to withdraw immediately and unconditionally their military bases and installations from colonial Territories and to refrain from establishing new ones.

28. Furthermore, the strong British military presence on the Islands had paved the way for the unilateral exploitation of the extraordinarily abundant fishing and hydrocarbon resources, and other renewable and non-renewable natural resources. According to unofficial estimates, fishing companies earned $800 million a year from their activities in the maritime areas surrounding the Malvinas Islands, South Georgia Islands and South Sandwich Islands. It was clear that the traditional way of life on the Islands had vanished and had been replaced by something completely artificial that existed to serve the needs of those new economic actors.

29. He remained convinced that the only way to solve the sovereignty dispute between Argentina and the United Kingdom was to reopen bilateral negotiations and establish a framework for reaching a swift and just resolution that would put an end to the colonialism afflicting Argentine and South American soil in the South Atlantic.

30. **Ms. Vernet** said that her great-great-grandfather, Luis Vernet, had been appointed the first political and military commander of the Malvinas Islands by the Government of Buenos Aires in 1829. A Hamburg-born merchant, Vernet had adopted Argentina as his homeland and had become an Argentine citizen in 1821. He had lived on the Islands with his wife and four of their children, one of whom had been born there in 1830.

31. In 1823, the Government of Buenos Aires had ceded commercial farming and fishing rights to an associate of Luis Vernet in return for establishing land-title boundaries; and as a result, Vernet had begun investing in the economic development of the islands. Believing that the establishment of a colony would be to Argentina's advantage, he had subsequently asked for the ownership of vacant lands on two of the islands in exchange for a commitment to establish a permanent settlement there. The Government of Buenos Aires had granted the request in 1828 and Puerto Soledad had been designated as the seat of the government of the Malvinas Islands. From that point on, the settlement had taken on a permanent character, and his appointment as the political and military commander of the Islands in 1829 had been a natural consequence of his efforts and of a deliberate policy pursued by the Buenos Aires Government to consolidate its sovereignty over the territory. In recognition of Argentine jurisdiction, Vernet had provided the Government of Buenos Aires with regular reports on the characteristics and potential of the islands and had presented proposals for their further development.

32. The documentation in the national archives showed that Vernet had exercised Argentine

sovereignty over the Malvinas Islands between 1824 and 1832. The settlement, whose population had been predominantly Argentine, had subsequently been dispersed and displaced by British immigrants in 1833.

33. She was convinced of her country's sovereign rights to the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, and appealed to the Committee to promote constructive dialogue between the United Kingdom and Argentina in order to find a peaceful solution to a colonial situation that was an affront to the South American continent.

Draft resolution A/AC.109/2016/L.7: Question of the Falkland Islands (Malvinas)

34. **Mr. Barros Melet** (Chile), introducing draft resolution A/AC.109/2016/L.7 on behalf of the sponsors, said that the text acknowledged the established United Nations position on the peaceful resolution of the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. In that regard, Chile welcomed the Argentine Government's constructive attitude and readiness for dialogue, as demonstrated at the recent bilateral meetings between the Argentine President and British Prime Minister, both of whom had expressed the desire to pursue an open dialogue.

35. The nations of the Latin American and Caribbean region had repeatedly supported the legitimate rights of Argentina in the sovereignty dispute regarding the Malvinas Islands, most recently when, in June 2016, the Organization of American States had unanimously adopted a new declaration on the question of the Malvinas Islands, in which they called on the United Kingdom to resume negotiations with the Argentine Republic.

36. The draft resolution recognized that the question of the Malvinas Islands was a special and particular colonial situation that differed from others as a result of the sovereignty dispute between two States. The only way to end it was through a settlement negotiated by their two Governments. Therefore, the draft resolution requested the parties to resume negotiations in order to find a peaceful solution, in accordance with the relevant United Nations resolutions. The persistence of colonial situations in the twenty-first century was an anachronism that must end. The draft resolution expressed the Committee's regret that the implementation of the many United Nations resolutions over the years urging direct negotiations had not yet started.

37. The sponsors of the draft resolution firmly supported the legitimate sovereignty rights of the Argentine Republic over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, and considered that bilateral negotiations between Argentina and the United Kingdom were the only way to resolve the dispute. They hoped that the draft resolution, like previous resolutions on the subject, would be adopted by consensus.

38. **Ms. Malcorra** (Observer for Argentina), speaking as Minister for Foreign Affairs and Worship of the Argentine Republic, expressed support for the decolonization process, and said that her delegation would continue to participate actively in the Special Committee's work, including the annual assessment of the situation of the Territories and the regional decolonization seminars.

39. The special and particular question of the Malvinas Islands was historical and central to Argentina's foreign policy, as set forth in its Constitution, which reaffirmed the legitimate and imprescriptible sovereignty of the Argentine Republic over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, which had been an integral part of Argentine territory since the nation's creation. The Argentine Republic had never consented to the territory's occupation by the United Kingdom by force in 1833 and had since called for the restitution of its full sovereignty over it. The passage of time had eroded neither the validity of Argentina's claim nor the strength of its conviction that the protracted sovereignty dispute must be solved through bilateral negotiations. All political parties in Argentina were in agreement on the issue, as evidenced by the representatives of different political parties who had accompanied her to the meeting. She reiterated her Government's full willingness to resume negotiations with the United Kingdom in order to find a peaceful and definitive solution to the sovereignty dispute.

40. General Assembly resolution 2065 (XX) called for the resolution of the sovereignty dispute over the Malvinas Islands between Argentina and the United

Kingdom through bilateral negotiations that bore in mind the interests of the population. Although Argentina had always strongly supported the principle of self-determination of peoples, the principle could not be invoked to violate the territorial integrity of existing States. Self-determination therefore did not apply to the inhabitants of the Malvinas Islands, who were not recognized as a people able to exercise that right under the relevant United Nations resolutions. Furthermore, none of the resolutions on the question made reference to self-determination, and previous attempts to incorporate such references had been rejected.

41. In 1833, the United Kingdom had expelled the Argentine authorities and population, subsequently implanting its own settlers and strictly controlling migration policies, which continued to determine the composition of the territory's population. Decolonization and self-determination were therefore not synonymous concepts, and the underlying sovereignty dispute must be resolved by Argentina and the United Kingdom.

42. For 16 years following the adoption of resolution 2065 (XX), the Governments of Argentina and the United Kingdom had engaged in substantive discussions. In 1968 they had initialled a Memorandum of Understanding with the objective of settling the sovereignty dispute in a definitive and amicable manner; in 1974 they had discussed a British proposal on condominium over the Islands, as an intermediate step towards a definitive solution to the sovereignty dispute; and in 1981 they had held bilateral meetings in New York that unfortunately had not led to an agreement on the issue. During that period, Argentina had made efforts to improve the living conditions of people living on the Malvinas Islands, including by establishing a weekly schedule of direct air connections to the Argentine mainland, supplying fuel and facilitating access to the Argentine health-care and education systems. However, since the 1982 hostilities, the United Kingdom had consistently refused to resume negotiations, despite the repeated calls of the United Nations for the parties to reach a settlement. She wished to recall that the hostilities had taken place when Argentina had been governed by a military dictatorship and that they had caused the loss of British and Argentine lives, which must be honoured.

43. Since the resumption of diplomatic relations between Argentina and the United Kingdom 26 years earlier, Argentina had repeatedly expressed its willingness to resolve the matter through negotiations with the United Kingdom, taking into account the interests of the Malvinas Islanders and respecting their lifestyle. It was clear that the deadlock over the Malvinas had hindered the development of relations between Argentina and the United Kingdom. However, the recently elected President of Argentina had told the Prime Minister of the United Kingdom of his readiness to begin a new chapter in relations, for the two countries had traditionally enjoyed a mutually beneficial relationship across many areas of cooperation.

44. Accordingly, she had recently met with the British Secretary of State for Foreign and Commonwealth Affairs for the first formal meeting between British and Argentine foreign ministers in over a decade. They had discussed the possibility of strengthening bilateral relations in several areas of mutual interest and concluded that their disagreement over the Malvinas Islands should not affect the progress of a positive agenda that included the identification of possible areas of cooperation in the South Atlantic. They had also agreed to promote Antarctic cooperation.

45. Argentina wished to consider a broad agenda with the United Kingdom in order to address all issues and build consensus in different fields. However, an open and clear dialogue must be maintained in order to work in an intensive and substantive manner towards resolving the question of the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas.

46. In order for the South Atlantic region to set an international example for peace and dialogue between nations, it must be free from nuclear weapons and militarization measures, and the dispute over the Malvinas Islands must be resolved. The circumstances now offered a favourable context in which to address the matter at the bilateral level and overcome disagreements. It was hoped that Argentina and the United Kingdom would be able to work creatively and in a spirit of cooperation to address every issue on the bilateral agenda. Furthermore, it was expected that, as required by General Assembly resolution 31/49, the United Kingdom would end its unilateral exploration and exploitation of renewable and non-renewable resources in the disputed area, which had been

condemned by several multilateral and regional forums.

47. With political will, it would be possible to reach a definitive solution to the question of the Malvinas Islands. She wished particularly to acknowledge the countries that had sponsored the draft resolution, as well as the organizations and members of the international community that continually supported the settlement of the dispute.

48. **Mr. Hermida Castillo** (Nicaragua) said that the Community of Latin American and Caribbean States (CELAC) had declared Latin America and the Caribbean a zone of peace, and the region should therefore be rid of colonialism. It was unacceptable that, despite the passage of time and numerous appeals for compliance with General Assembly resolution 2065 (XX), the United Kingdom still refused to resume negotiations with Argentina on the issue of sovereignty.

49. The United Kingdom should comply with United Nations resolutions by discussing the matter with Argentina, accepting that the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas were an inalienable part of the Argentine Republic. Recently, the National Assembly of Nicaragua had proclaimed 10 June as the National Day of Solidarity with Argentina on the Malvinas Islands, and the Central American Parliament had proclaimed the same day as the Day of Central American Solidarity with the Argentine Malvinas Islands. It was time for colonialism and imperialism to be eliminated from the Malvinas Islands and for the territories to be returned to Argentina, the legitimate owner.

50. **Mr. Ja'afari** (Syrian Arab Republic) said that the political ramifications of the continued existence of 17 Non-Self-Governing Territories decades after the establishment of the Special Committee on decolonization needed to be discussed and should prompt the Special Committee to intensify its efforts, since colonialism was a crime against humanity and a violation of international law. His delegation therefore supported the draft resolution, whose adoption by consensus would reaffirm that the sovereignty dispute should be settled peacefully. The Syrian Arab Republic endorsed the principles of self-determination and territorial integrity, as established in General Assembly resolution 1514 (XV), but not the selective use of the principle of self-determination to justify an occupation that had violated the territorial integrity of Argentina since 1833. The right to self-determination did not apply to foreign settlers in a territory. The unilateral measures taken by the United Kingdom in the Malvinas Islands, which violated United Nations resolutions and undermined attempts to find a peaceful solution, were therefore to be condemned.

51. His delegation reiterated its support for the legitimate rights of the Argentine Republic in relation to the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. The British settlements in those territories had created a situation similar to that of the Israeli settlements in occupied Syrian and Palestinian territories. The British colonial occupation should be ended in accordance with General Assembly resolutions stating that the situation was a special and particular case of colonialism involving a sovereignty dispute between the United Kingdom and Argentina, which could be resolved only through peaceful negotiations. The Secretary-General should continue his mission of good offices in accordance with his mandate under the Charter of the United Nations and the relevant General Assembly resolutions. The United Kingdom should implement the more than 30 resolutions on the Malvinas Islands adopted by the Committee and begin dialogue with Argentina. It should also engage seriously with the Committee and regularly report to it on the measures it had taken to implement the resolutions.

52. **Mr. Sevilla Borja** (Ecuador) said that his delegation supported the strategy of Argentina for settling the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, thus ending their colonial status within the framework of the peaceful settlement of disputes established under international law and the Charter of the United Nations.

53. The draft resolution advocated a negotiated settlement between Argentina and the United Kingdom as the way to put an end to the current impasse. It was hoped that the Secretary-General, in carrying out his mission of good offices, would propose creative and bold new solutions to assist in resolving the dispute. The recent bilateral meeting between the Argentine and British foreign ministers, the first of its kind in 14 years, represented encouraging progress. While the two

ministers had confirmed their disagreement on the substantive aspects of the dispute, they had also identified important areas of cooperation with respect to the South Atlantic, a zone contiguous to Argentina but thousands of kilometres away from British territory, particularly the areas of exploitation of natural resources and connectivity between the South American continent and the Islands.

54. The issue at hand was not simply a bilateral dispute, but also an unresolved case of colonialism in the context of the decolonization process undertaken by the United Nations since its foundation. While there was faith that a negotiated solution could be reached through direct dialogue between the parties, other measures and procedures might be required if the desired results were not obtained within a reasonable time frame. World peace and international social justice could be achieved only by eliminating potential sources of conflict, including those stemming from the maintenance of obsolete claims to imperial domains on far-flung continents. The countries of Latin America were particularly committed to that endeavour, as they had actively worked to make the area surrounding the Malvinas Islands a zone of peace.

55. The right to self-determination did not apply in the case of the Malvinas and had been repeatedly rejected in that connection by the United Nations and other international bodies. The other rights and aspirations of the population of the Malvinas should be duly respected; as that population had been implanted by the colonial Power for its own purposes, however, it did not constitute a third party to the dispute. The population was derived from the occupation of the Malvinas Islands by the colonial Power in 1833, when it had expelled the legitimate authorities and original Argentine population, replacing them with British subjects and thereafter imposing a discriminatory migration policy that had hindered the return of the original Argentine inhabitants and the subsequent settlement of Argentine citizens.

56. *Draft resolution A/AC.109/2016/L.7 was adopted.*

57. **Mr. Llorentty Solíz** (Plurinational State of Bolivia) said that his delegation had sponsored the draft resolution out of pride and, more importantly, duty. While the question of the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas was fundamentally an Argentine issue and a core element of Argentina's foreign policy, it was also of critical importance to the identity and history of Latin American and Caribbean peoples. The Islands were part of the South American continental shelf, and their geographical continuity with the territory of Argentina was clearly visible from a satellite. The legitimacy of Argentina's sovereignty claim was thus inscribed in the natural landscape, in addition to being supported by international law.

58. The United Kingdom had systematically ignored the nearly 40 resolutions on the matter adopted by the General Assembly and the Committee. If any country that was a member of the Committee had disregarded even a fraction of that number, it would undoubtedly have faced multiple sanctions and restrictions; that called into question the uniformity of adherence to the principle of the sovereign equality of all Member States. The powerful also distorted the meaning of such terms as multilateralism, democracy and human rights for their own ends, in addition to abusing and diluting the concept of self-determination to preserve a colonial situation. Those who had been freed from other empires on the basis of that principle were offended by such attempts. None could have them believe that a group of occupiers were a people or could enjoy the right to self-determination.

59. As had been underscored during the ministerial meetings held by CELAC and the Latin American Energy Organization (OLADE) in October 2015, geography, international law, history, the international community of nations, legitimacy, truth and justice were all on the side of Argentina. Pride and disregard for the legitimate rights of others were the only instruments at the disposal of the United Kingdom, as demonstrated by its repeated refusal to engage in good faith negotiations with Argentina. Recalling Mahatma Gandhi's insistence that, no matter how strong the powerful appeared, they would inevitably yield and enter into negotiations, he hoped that the outcome of the global battle against imperialism and colonialism would not confirm Thrasymachus's claim that justice was nothing other than the advantage of the stronger.

60. **Mr. Xu** Zhongsheng (China) said that the Malvinas Islands controversy was a relic of the colonial past. Over the years, the General Assembly and the Committee had adopted resolutions calling on Argentina and the United Kingdom to conduct negotiations with a view to resolving the matter peacefully, in accordance with the wishes of the Committee and Member States. China had consistently

supported the sovereignty claim of Argentina over the Malvinas Islands, as well as the principle of the negotiated settlement of international territorial disputes, in accordance with the Charter of the United Nations. His delegation hoped that Argentina and the United Kingdom would start a constructive dialogue with a view to reaching a peaceful, just and appropriate negotiated solution in the near future.

61. **Ms. King** (Saint Vincent and the Grenadines) said that the question of the Malvinas Islands predated the Charter of the United Nations and even the League of Nations. The General Assembly had long given voice to the international community's insistence that the British and Argentine Governments should expedite negotiations concerning the sovereignty dispute. The lack of political will to negotiate in good faith on the matter had been the root cause of military and diplomatic tensions over the years. The General Assembly had also repeatedly acknowledged that the central issue was not the will of a colonized population under alien control but rather the competing claims of sovereignty over islands located a short distance from the Argentine coast.

62. Her Government remained deeply concerned over the frustrating failure to achieve progress. Like all nations in Latin America and the Caribbean, Saint Vincent and the Grenadines was committed to the just and peaceful resolution of the dispute and called on the Argentine and British Governments to resume negotiations.

63. **Ms. Rodríguez Abascal** (Cuba) said that, as a matter of principle, her delegation supported Argentina's legitimate claims in the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. In line with its rejection of colonial wars with expansionist objectives, Cuba was firmly opposed to the British usurpation and subsequent occupation of territory under Argentine sovereignty, which had entailed the expulsion of the legitimate Argentine population and hindrance of their return to their homeland.

64. One hundred eighty-three years after the start of the British occupation of the Malvinas Islands and 50 years after the adoption of General Assembly resolution 2065 (XX), no significant progress towards a definitive solution had been made. That resolution explicitly recognized the question of the Malvinas Islands as a case of colonialism and acknowledged the existence of a sovereignty dispute over the Islands between Argentina and the United Kingdom, while calling for the parties to find a negotiated solution to the dispute. The United Kingdom nevertheless continued to attempt to disguise a blatant act of colonial usurpation by invoking the right to self-determination and refused to resume sovereignty negotiations with Argentina, despite the international community's repeated calls for it to comply with resolution 2065 (XX).

65. At the fourth CELAC Summit, held in January 2016, Latin American and Caribbean States had reiterated their support for Argentina in the sovereignty dispute and the region's interest in the resumption of negotiations between Argentina and the United Kingdom for a peaceful and definitive settlement in line with the pronouncements of the United Nations, OAS and various Latin American and Caribbean forums.

66. Argentina deserved encouragement for its efforts to resolve the dispute by peaceful means, in accordance with the principles of international law, the Charter of the United Nations, the relevant resolutions of the General Assembly and the proclamation of Latin America and the Caribbean as a zone of peace. Cuba echoed the call for a negotiated, just, definitive and timely solution to the dispute through dialogue and cooperation, to which end it urged the United Kingdom to accept the Argentine authorities' invitation to resume negotiations. The Committee should also work to ensure the resumption of negotiations and the Secretary-General should carry out his mission of good offices as mandated by the General Assembly. Cuba had joined in the commitment made in the Havana Declaration adopted by CELAC in 2014 to continue working to rid the region of colonialism and colonies. Lastly, her delegation had requested the Secretary-General to circulate, as a document of the General Assembly under the current agenda item, the April 2016 declaration by the working group on friendship and solidarity with Argentina, coordinated by the United Nations Association of Cuba.

67. **Mr. Arcia Vivas** (Bolivarian Republic of Venezuela), speaking on behalf of the Union of South American Nations (UNASUR), said that, in its August 2013 declaration on the question of the Malvinas Islands (A/68/856, enclosure), UNASUR had reiterated its support for the legitimate sovereignty rights of

Argentina over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, and had reaffirmed the region's abiding interest in the resumption of negotiations between the Governments of Argentina and the United Kingdom. It had also highlighted the continuous constructive attitude and willingness of the Argentine Government to reach, by means of negotiations, a definitive solution to an anachronistic colonial situation.

68. In its 2010 declaration on the question of the Malvinas Islands (A/65/812, enclosure III), UNASUR had firmly rejected the unilateral exploration and exploitation by the United Kingdom of non-renewable natural resources on the Argentine continental shelf as a flagrant violation of General Assembly resolution 31/49. Moreover, in the declaration on the question of the Malvinas Islands which the UNASUR Council of Ministers for Foreign Affairs had adopted in 2012 (A/66/815, enclosure), the Council had emphasized that the military presence of the United Kingdom in the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas was contrary to the region's policy of seeking a peaceful solution to the sovereignty dispute. The Council had reaffirmed its rejection of that presence and of unilateral British activities in the disputed area, including the exploration for and exploitation of Argentina's renewable and non-renewable natural resources and the conduct of military exercises in violation of General Assembly resolutions. In its 2012 special declaration on the question (A/67/728, annex), UNASUR had, furthermore, rejected the so-called referendum conducted in the Malvinas Islands.

The meeting rose at 1.05 p.m.

United Nations A/AC.109/2016/SR.10

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 10th meeting
Held at Headquarters, New York, on Thursday, 23 June 2016, at 3 p.m.

Chair: Mr. Ramírez Carreño ..... (Bolivarian Republic of Venezuela)

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Question of the Falkland Islands (Malvinas) (*continued*)

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The meeting was called to order at 3.10 p.m.

Question of the Falkland Islands (Malvinas) (*continued*) (A/AC.109/2016/6; A/AC.109/2016/L.7)

1. **The Chair** informed the Committee that the delegations of Brazil, Colombia, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Panama, Paraguay, Peru and Uruguay had indicated their wish to participate in the Committee's consideration of the item as observers.

2. **Mr. Habib** (Indonesia) said that the Committee should cooperate with other stakeholders to ensure the success of the Third International Decade for the Eradication of Colonialism and should focus its efforts on the 17 remaining Non-Self-Governing Territories. His delegation welcomed the goodwill and cooperation demonstrated by certain administering Powers; only through peaceful dialogue could mutually acceptable solutions be found to the challenges before the Committee.

3. The question of the Falkland Islands (Malvinas) was a special and particular colonial situation; his delegation welcomed the Committee's adoption by consensus, at the previous meeting, of draft resolution A/AC.109/2016/L.7, the latest in a series of resolutions on the question. He urged Argentina and the United Kingdom to resume negotiations towards a peaceful, just and lasting solution. His delegation fully supported the Secretary-General's mission of good offices to facilitate the parties' compliance with the relevant General Assembly resolutions.

4. **Mr. Ilichev** (Russian Federation) said that the sovereignty dispute over the Falkland Islands (Malvinas), South Georgia Islands and South Sandwich Islands should be resolved quickly and peacefully through the resumption of negotiations between Argentina and the United Kingdom, taking into account the many United Nations resolutions on the matter. His delegation trusted that the parties would show wisdom, responsibility and a commitment to the fundamental principles of the Charter of the United Nations, and would swiftly launch intergovernmental negotiations with a view to resolving the situation. It commended the intention of Argentina to initiate such bilateral contacts and was concerned about the possible militarization of the South Atlantic. The parties should strictly comply with their international obligations under the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) and its Additional Protocols. The concerns of States and entities in the region should also be taken into account.

5. **Mr. Blanco Conde** (Observer for the Dominican Republic), speaking on behalf of the Community of Latin American and Caribbean States (CELAC), said that at each Summit of Heads of State and Government of the Community, regional leaders reiterated their support for the legitimate rights of the Argentine Republic in connection with the Malvinas Islands, along with their abiding interest in the resumption of negotiations between the Governments of Argentina and the United Kingdom. The claim of Argentina regarding its legitimate rights in the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas was further supported in the special declaration adopted at the fourth Summit of CELAC, held in Quito in January 2016. The declaration reiterated the call made in previous declarations, both by the Rio Group and by CELAC since the 2010 Unity Summit, for the parties to comply with General Assembly resolution 2065 (XX) and other relevant resolutions of the United Nations and the Organization of American States (OAS). It called on the Secretary-General to renew his efforts to carry out the mission of good offices entrusted to him by the General Assembly, with a view to expediting the resumption of negotiations towards a peaceful solution to the dispute; and reiterated the importance of compliance in the meantime with General Assembly resolution 31/49, which called upon the two parties to refrain from introducing unilateral modifications in the situation. It also highlighted the constructive attitude and continuing willingness of the Argentine Government to reach, through negotiations, a peaceful and definitive solution to that anachronistic colonial situation on American soil.

6. **Mr. Rosselli** (Observer for Uruguay), speaking on behalf of the Southern Common Market (MERCOSUR) States parties and associated States, said that, in the joint communiqué adopted in 2015 by the Common Market Council and the Summit of Heads of State of MERCOSUR, the Presidents had reiterated the terms of the 1996 Declaration of Potrero de los Funes on the Malvinas Islands and had reaffirmed their support for the legitimate rights of Argentina in the sovereignty dispute. The adoption of unilateral

measures was incompatible with United Nations decisions, and it would be in the interests of the region if the dispute between Argentina and the United Kingdom over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas were resolved as soon as possible in accordance with the relevant United Nations resolutions and the declarations of OAS, CELAC, the Union of South American Nations (UNASUR), MERCOSUR and other regional and multilateral forums. The year 2015 had marked the fiftieth anniversary of the adoption of General Assembly resolution 2065 (XX), the first referring specifically to the Malvinas Islands, which had been followed by successive resolutions of the Assembly and of the Committee on the matter. The Presidents welcomed the significant contribution of the Committee in its consideration of the question over the previous 50 years, and welcomed the decision of their President Pro Tempore to urge the Secretary-General of the United Nations to advance the mission of good offices entrusted to him by the General Assembly and bring about the resumption of negotiations towards a peaceful solution to the dispute as soon as possible, and to report on the progress made in the fulfilment of that mission.

7. He read out the special communiqué adopted in 2015 by the Presidents of the MERCOSUR States parties and associated States, entitled "Hydrocarbon exploration on the Argentine continental shelf in the vicinity of the Malvinas Islands" (A/70/628, annex), in which they had rejected unilateral British activities in that regard, recognized the right of Argentina to take appropriate legal action against the unauthorized hydrocarbon exploration and exploitation and noted that Argentina had taken such action.

8. Speaking as the observer for Uruguay, he said that the Committee's annual consideration of the agenda item was not an empty repetition of the previous year's proceedings but a reaffirmation of the total commitment of delegations, for historical, legal and geographical reasons, to the legitimate sovereignty rights of Argentina over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. Since the adoption of resolution 2065 (XX), the General Assembly and the Committee had reiterated that the way to put an end to the special and particular colonial situation of the Malvinas Islands was the peaceful and negotiated settlement of the dispute over sovereignty between the two Governments involved. He welcomed the recent high-level meetings between the parties as the first steps towards a resolution.

9. **Mr. Sandoval Cojulún** (Observer for Guatemala) said that his country firmly supported the legitimate rights of the Argentine Republic over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. That position was based on many General Assembly resolutions. The sovereignty dispute dated back to the violation by Britain of the territorial integrity of Argentina in 1833 when it had occupied that part of Argentine territory and expelled the Argentine population and authorities. The Malvinas were now inhabited by subjects of the occupying Power, who had been relocated through a systematic colonial policy and could hardly be considered entitled to self-determination. As had been said repeatedly, the case involved a colonized territory, not a colonized people. The United Nations had recognized the special and particular nature of the situation and explicitly rejected the applicability of the right to self-determination in connection with the Malvinas. Guatemala hoped that the parties to the dispute would resume negotiations as soon as possible to reach a just, peaceful and lasting solution.

10. In a joint communiqué issued by the Council of Ministers for Foreign Affairs of the Central American Integration System and the Ministry of Foreign Affairs and Worship of Argentina, the Central American countries had again expressed support for the legitimate rights of Argentina and called for the resumption of negotiations between Argentina and the United Kingdom. A commitment to the principles of multilateralism, international law and the peaceful settlement of international disputes was needed to address that colonial situation on the American continent.

11. **Mr. Sobral Duarte** (Observer for Brazil) said that his Government supported the legitimate rights of Argentina in the sovereignty dispute at issue, a special and particular colonial situation in Latin America that had lasted for nearly two centuries. Since the Malvinas Islands were part of the territory of Argentina, the principle of territorial integrity applied and the parties should resume negotiations. The principle of self-determination did not apply because the inhabitants of the Islands were descended from a British population

introduced as part of an illegal occupation. Given that the resolution of the dispute depended on dialogue between the parties and the completion of the Secretary-General's good offices mission mandated by General Assembly resolution 37/9, his delegation welcomed the visit of the Argentine Minister for Foreign Affairs and Worship to London in May 2016.

12. In accordance with General Assembly resolution 31/49, his Government urged the United Kingdom to cease its exploration and exploitation of natural resources in the disputed area. In solidarity with Argentina, Brazil did not allow aircraft and ships bound for the Malvinas Islands to use its airports and ports unless they complied with that resolution. The South Atlantic was a zone of peace and cooperation, free of nuclear weapons and weapons of mass destruction, and dedicated to the harmony and peaceful settlement of disputes that prevailed in Latin America, the Caribbean and the African countries of the South Atlantic.

13. The desire for a negotiated solution was shared not only throughout Latin America but by all developing countries. He expressed support for the mission of good offices entrusted to the Secretary-General by the General Assembly. The resumption of negotiations was the only way of resolving the question of the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas in accordance with the principles of the Charter of the United Nations and the General Assembly resolutions on the matter.

14. **Mr. Sandoval Mendiolea** (Observer for Mexico) said that the rights of Argentina in the sovereignty dispute over the Malvinas Islands and the surrounding maritime areas were legally and historically valid; a just, peaceful and definitive solution must be reached in accordance with United Nations declarations and resolutions. He read out the special communiqué adopted at the twenty-fourth Ibero-American Summit, held in Veracruz, Mexico, in December 2014 (A/69/773, annex), which highlighted, inter alia, the need to resolve the sovereignty dispute in accordance with the principle of territorial integrity and to persuade the United Kingdom to comply with General Assembly resolution 31/49 by desisting from counterproductive and destabilizing unilateral actions.

15. **Mr. Mendoza-García** (Observer for Costa Rica), welcoming the Committee's adoption of draft resolution A/AC.109/2016/L.7, said that his Government fully supported the sovereign rights of Argentina over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. The Governments of Argentina and the United Kingdom should resume negotiations as soon as possible in order to reach a peaceful, definitive solution to the sovereignty dispute, in accordance with the relevant General Assembly and Special Committee resolutions, in particular General Assembly resolution 31/49. Costa Rica, a country committed to international law and peaceful coexistence as the guarantors of human rights and development, had consistently supported the declarations to that effect that had been adopted at various international, regional and biregional forums, and believed that the Argentine position was firmly grounded in international law. The Argentine Government remained willing to explore all possible means for the peaceful resolution of the dispute and maintained a constructive attitude towards the inhabitants of the Malvinas Islands. The parties should resume negotiations through an open dialogue that would result in a definitive agreement.

16. **Mr. Morales López** (Observer for Colombia) said that his Government had just signed a historic ceasefire with rebel forces in the country, clearly demonstrating that dialogue could resolve differences. Colombia reiterated its support for the rights of Argentina in the sovereignty dispute with the United Kingdom over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. A peaceful and negotiated solution that recognized the nature of the dispute must be found to put an end to that special and particular colonial situation. Both parties were urged to resume negotiations as soon as possible in order to find a peaceful and definitive solution by means of dialogue and cooperation. The good offices of the Secretary-General should help ensure the parties' compliance with the relevant General Assembly resolutions, in particular resolution 2065 (XX), the first to have referred to the Malvinas specifically. It was unfortunate that despite the time elapsed since its adoption in 1965, the dispute remained unresolved. Compliance with General Assembly resolution 31/49 was especially important. Colombia recognized the renewed commitment of the Argentine Government to resolving the issue through dialogue, in accordance with United Nations resolutions.

17. **Mr. Martínez** (Observer for Panama) said that his Government supported the legitimate rights of Argentina to sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, noting that already in resolution 2065 (XX) the General Assembly had recognized the existence of a colonial situation in the Malvinas Islands and had recommended resolving the dispute through negotiations between Argentina and the United Kingdom. The continued willingness of Argentina to engage in dialogue deserved recognition. It must also be said that the Committee had done invaluable work to foster a negotiated settlement between the two parties. In Panama's case, it had similarly helped it to gain territorial integrity and, through negotiations, achieve full control over the Canal. Good-faith dialogue was the only way to resolve disputes among States in accordance with international law.

18. **Mr. Tenya Hasegawa** (Observer for Peru) said that his country had consistently supported the legitimate rights of Argentina to sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. On historical, geographical and legal grounds, Argentina had inherited those rights upon independence and exercised them until 1833.

19. Peru regularly supported the Argentine cause in bilateral, regional and multilateral forums, and endorsed the declarations adopted on the Malvinas, including the 2012 Declaration of Lima concluding the third Summit of South American-Arab Countries. Among the many United Nations resolutions on the question, General Assembly resolution 31/49 was particularly relevant at the moment. There was no possible solution to the controversy over the Malvinas Islands other than negotiations between the parties. His Government urged the Governments of Argentina and the United Kingdom to resume negotiations as soon as possible in order to reach a peaceful and lasting solution to the sovereignty dispute.

20. **Ms. Maciel González** (Observer for Paraguay) said that the Governments of Argentina and the United Kingdom should resume negotiations as soon as possible with a view to settling the sovereignty dispute concerning the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, and thereby find a peaceful solution to that prolonged controversy. The previous week, the Organization of American States had adopted a declaration on the question of the Malvinas Islands, in which the Government of Argentina was praised for its willingness to consider all possible options to find such a solution and for its constructive attitude towards the inhabitants of the Malvinas Islands, and the two parties were urged to resume negotiations.

21. **Ms. Sánchez** (Observer for Honduras) said that in the various multilateral organizations, mechanisms and forums in which her country participated, it continued to support the sovereign rights of Argentina over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. As a member of the Group of 77 and China, Honduras had endorsed the 2015 declaration by the foreign ministers of the Group recalling the fiftieth anniversary of the adoption of General Assembly resolution 2065 (XX); urging Argentina and the United Kingdom to resume negotiations, in accordance with the Charter of the United Nations and relevant General Assembly resolutions, in order to find a peaceful solution to the sovereignty dispute as soon as possible, and to refrain from taking decisions that would introduce unilateral modifications in the situation during that process; and recognizing the right of Argentina to take appropriate legal action against unauthorized hydrocarbon-related exploration and exploitation in the area, on the principle that it, like all States, had sovereignty over its own natural resources and continental shelf.

22. **Mr. Zamora Rivas** (Observer for El Salvador) said that his country echoed the call of the international community for dialogue and negotiation between Argentina and the United Kingdom regarding the Malvinas Islands, an appeal that had been repeated in the 31 resolutions adopted by the Committee on the subject. His delegation appreciated the Argentine Government's efforts to reach out to the United Kingdom, and urged both Governments to seek a just, peaceful and lasting solution in accordance with the resolutions of the General Assembly and regional organizations.

23. His Government had consistently supported the legitimate rights of Argentina in the controversy over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. During the 2014 ministerial meeting of the Latin American Energy Organization (OLADE), the

participants had expressed support for the position of Argentina on the exploration and exploitation of natural resources on its continental shelf and warned against decisions that would introduce unilateral modifications in the situation during the negotiation process recommended by the United Nations. The two Governments should resume negotiations on the sovereignty dispute as soon as possible, while ensuring respect for international law, including the principle of territorial integrity and that of the sovereign geographical, legal and historical rights of Argentina over the archipelago.

The meeting rose at 4.15 p.m.

United Nations A/AC.109/2016/SR.11

General Assembly

Distr.: General
11 July 2016

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 11th meeting
Held at Headquarters, New York, on Friday, 24 June 2016, at 10 a.m.

Chair: Mr. Ramírez Carreño ..... (Bolivarian Republic of Venezuela)

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16-10788 (E)

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Economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories

Report of the Pacific Regional Seminar

The meeting was called to order at 10.25 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Requests for hearing

2. **The Chair** drew attention to the requests for hearing relating to French Polynesia (aide-memoire 05/16) and to New Caledonia (aide-memoire 06/16). He took it that the Committee wished to grant those requests.

3. *It was so decided.*

Question of French Polynesia (A/AC.109/2016/7, A/AC.109/2016/L.24 and aide-memoire 05/16)

Hearing of petitioners

4. **The Chair** said that, in accordance with the Committee's usual practice, petitioners would be invited to take a place at the petitioners' table and would withdraw after making their statements.

5. **Mr. Tuheiava** (Union pour la démocratie), speaking as a representative of his party in the Assembly of French Polynesia, said that while it had been three years since the adoption of General Assembly resolution 67/265 reinscribing French Polynesia on the list of Non-Self-Governing Territories, the administering Power had yet to transmit the information required under Article 73 *e* of the Charter.

6. According to international law and numerous General Assembly resolutions, the people of French Polynesia, like other indigenous peoples, enjoyed in particular permanent sovereignty over their natural resources, including the marine resources within its almost 5-million-square-kilometre exclusive economic zone. Following the decision of the United Nations Commission on the Limits of the Continental Shelf to allow a French claim for half a million square kilometres in New Caledonian waters — a clear violation of the inalienable rights of indigenous peoples under international law — the administering Power had recently announced plans to submit a claim for an extended continental shelf in French Polynesian waters, without consultation with the people or elected government of the Territory. His people once again appealed to the administering Power to refrain from resource grabs that compromised their future development and asked the Special Committee to take the matter up with the United Nations Commission on their behalf.

7. Another violation of its obligations under the Charter of the United Nations was the failure of the French Government to provide compensation for the effects of nuclear testing.

8. The Committee must be careful to distinguish mere colonial reform from decolonization. A new accord on his Territory's political status being drafted in Paris, with no consultation, sought to extend the French policy of assimilation so as to bring the Territory closer to integration with France without the consent of its people. Such an accord could not replace a genuine process of self-determination free of external interference. France should stop trying to sidestep the agreed transfer of powers, and it should implement the General Assembly resolutions on French Polynesia, including the provisions for political education programmes to make the people aware of the political status options open to them.

9. In conclusion, he urged the Committee to update the resolution it would adopt on the Territory to include references to the 2014 resolution adopted the Assembly of French Polynesia on nuclear compensation, 195810 and to affirm the right of his people to their natural resources, including their marine resources.

10. **Mr. Brotherson** (Deputy Mayor, Faa'a, Tahiti) said that, as a result of three decades of French nuclear testing and 193 nuclear explosions, his people were dying of radiation-induced genetic damage, and the United Nations was in a position to generate the unbiased studies needed for the victims and their families to receive appropriate compensation. Unfortunately, the report of the Secretary-General on the environmental, ecological, health and other impacts of the 30-year period of nuclear testing in French Polynesia (A/69/189) had been woefully inadequate, as only two of the 22 United Nations agencies contacted had provided substantive replies. One — the reply of the International Atomic Energy Agency (IAEA) — had been based on an outdated IAEA report, which had erroneously found the health impact of the nuclear tests to be negligible. Nevertheless, IAEA had the potential to play a useful role in a more comprehensive approach to the issue.

11. He once again requested that an extensive independent report on French nuclear testing in French Polynesia prepared in 2014 by expert scientists be circulated as a document of the General Assembly, and that the United Nations Scientific Committee on the Effects of Atomic Radiation add the impact of French nuclear testing in the South Pacific to its programme of work. He was astonished that the historic 2014 resolution of the Assembly of French Polynesia, calling on France to acknowledge the colonial nature of its nuclear testing programme, was not mentioned in either the 2015 or the 2016 working papers on French Polynesia (A/AC.109/2015/16 and A/AC.109/2016/7), General Assembly resolution 70/100 on the question of French Polynesia or the Committee's current draft resolution (A/AC.109/2016/L.24) on that subject.

12. His people continued to be denied justice and reparation for the effects of nuclear radiation because of their situation of dependency. French Polynesia had expended significant effort and resources to be reinscribed on the list of Non-Self-Governing Territories and would work closely with the Committee to ensure that it was decolonized. It would also keep the issue of nuclear compensation before the United Nations until justice was served.

13. **Mr. Corbin** (Dependency Studies Project) said that, in establishing the basis for the reinscription of French Polynesia on the list of Non-Self-Governing Territories, the Project had used self-governance indicators based on the minimum standards of self-government, as defined in international instruments, which had been formulated with specific reference to small island non-independent countries. Its assessments classified the countries as either non-self-governing, autonomous, or partially or fully integrated into the administering State. Such self-governance assessments had proved useful to the Territories in the absence of the periodic analyses of the implementation of the Declaration on decolonization that should have occurred in the context of the three International Decades for the Eradication of Colonialism.

14. In the case of French Polynesia, the Project had analysed indicators in three dimensions: constitutional-political, economic-social and military-strategic. According to the results of its analysis, French Polynesia had been mischaracterized as autonomous. The dependency governance arrangement had been modernized in form and nomenclature, but not in substance. That finding had provided the substantive basis for the adoption by the General Assembly of resolution 67/265 recognizing French Polynesia as a Non-Self-Governing Territory.

15. As one of the petitioners had mentioned, France was developing a new autonomy accord for French Polynesia. The Committee should examine closely whether that accord represented true decolonization or was simply a form of colonial modernization. The Dependency Studies Project was prepared to conduct the standard assessment of the accord and would share its findings with the Committee.

16. **Mr. Arcia Vivas** (Bolivarian Republic of Venezuela) said that, in addition to complying with its obligations under Article 73 *e* of the Charter, France must step up the decolonization process in French Polynesia and lay the groundwork for self-determination based on the options provided in the Declaration on decolonization. It was vital for the Committee to take a stand on the people's sovereignty over their natural resources and to request further studies on the impact of nuclear radiation.

17. **The Chair** informed the Committee that consideration of the draft resolution on the question of French Polynesia had been deferred to allow for further consultations.

Question of New Caledonia (A/AC.109/2016/11, A/AC.109/2016/L.23 and aide-memoire 06/16)

Hearing of petitioners

18. **The Chair** said that, in accordance with the Committee's usual practice, the petitioner would be invited to take a place at the petitioners' table and would withdraw after making his statement.

19. **Mr. Wayaridri** (Mouvement populaire calédonien) said that the vast majority of New Caledonians were proud to be both Kanak and French. Of all of the Melanesian peoples, his enjoyed the greatest freedom, the highest standard of living, the most modern public services and the best health care. Unlike their neighbours, they also had access to free education from primary school through university. The vast majority of New Caledonians thought in terms of emancipation, not colonialism or decolonization.

20. The time had come for the loyalists to make their voices heard in the United Nations. While the parties of the Front de libération nationale kanak et socialiste (FLNKS) had their place in a democratic society, they

obviously could not claim to be the sole representatives of the Kanak people. Moreover, the accusations which they levelled against France — their claim of cultural genocide, for example — were outrageous. At home, those same separatists looked to France for subsidies, financial assistance and development contracts for the provinces and communes under their control.

21. Despite the repeated accusations of FLNKS, the United Nations expert mission to the special administrative commissions had found no evidence that France or its "local accomplices" had rigged the provincial elections. Its claim that Kanak voters were being excluded from the electoral rolls for the 2018 referendum was equally unfounded.

22. **Mr. Lamek** (France) said that, as administering Power, France continued, as always, to cooperate fully and transparently on the question of New Caledonia. In January, it had transmitted the information required under Article 73 *e* of the Charter, and in March, it had welcomed the United Nations independent experts who would observe the work of the special administrative commissions responsible for updating the electoral rolls.

23. France was anxious to facilitate the democratic and political process leading to the 2018 referendum on self-determination. If the New Caledonian legislature did not set a date for it by May 2018, his Government was bound under the Organic Law concerning New Caledonia to set one in its place so that the referendum could be held in the second half of 2018.

24. As an attentive and benevolent partner, France was assisting the Territory's economic adjustment by continuing to provide substantial financial support. It was careful to ensure that the local authorities exercised their powers and that Kanak customs were respected, and it sought to encourage New Caledonians to find common positions on sensitive subjects in preparation for their choice of a common destiny.

25. Under the 1998 Noumea Accord, France was gradually and irreversibly transferring to New Caledonia a range of powers over areas other than defence, security and justice, and it accompanied each transfer with the necessary human, material and financial resources. In the spirit of the Accord, it was preparing New Caledonia to exercise full sovereignty, should it so desire, through the aforementioned gradual transfer of powers and through the establishment of a local legal system.

Draft resolution A/AC.109/2016/L.23

26. **Mr. Sarufa** (Papua New Guinea), introducing the draft resolution on the question of New Caledonia on behalf of his country and Fiji, said that the Committee and the United Nations as a whole should pay close attention the fluid situation in New Caledonia and should work closely with all stakeholders, including the administering Power. It was critical for all to work together to resolve the serious concerns about the electoral process and the transfer of powers identified by the 2014 visiting mission.

27. In view of the fast-approaching 2018 deadline for the referendum, the previous year's resolution had been updated to underscore the importance of a timely transfer of powers. It had also been amended to highlight the need for voter education and voter registration in preparation for the self-determination process, particularly in the case of the indigenous Kanak peoples, and to welcome the decision of the administrative Power to invite a visiting mission of United Nations experts to observe the work of the special administrative commissions and the advisory committee of experts in connection with the special electoral list, whose recommendations the Committee looked forward to examining. A new preambular paragraph underscored the centrality of safeguarding the inalienable rights of the people of New Caledonia, and especially the Kanak peoples, over their natural resources and property.

28. At the conclusion of the inaugural FLNKS chairmanship of the Melanesian Spearhead Group, Fiji and Papua New Guinea wished to congratulate FLNKS on a job well done. Such cooperative efforts not only fostered friendship, understanding and constructive engagement, but also provided opportunities for representatives of Non-Self-Governing Territories to build leadership and decision-making skills at the regional or international level that were imperative for their future destiny. Their two countries reaffirmed their commitment to work in partnership with all stakeholders in New Caledonia.

29. **Mr. Arcia Vivas** (Bolivarian Republic of Venezuela), explaining his delegation's position, said that the draft resolution addressed all the pertinent issues. It applauded the efforts of the administering Power and the other stakeholders and recognized the diversity of opinion within the Territory. The Noumea Accord represented an understanding among all

parties, and its fulfilment was fundamental to the success of the decolonization process. The administering Power and all sectors of New Caledonian society should continue to attend carefully and constructively to all aspects of the electoral process, giving due consideration to the demographic concerns expressed. In particular, immigration must not be allowed to affect the decolonization process. Lastly, his delegation called on the administering Power to respect and protect the sovereignty of the Kanak people over their natural resources.

30. *Draft resolution A/AC.109/2016/L.23 was adopted.*

Question of American Samoa (A/AC.109/2016/L.8)

Draft resolution A/AC.109/2016/L.8

31. *Draft resolution A/AC.109/2016/L.8 was adopted.*

Question of Anguilla (A/AC.109/2016/L.9)

Draft resolution A/AC.109/2016/L.9

32. *Draft resolution A/AC.109/2016/L.9 was adopted.*

Question of Bermuda (A/AC.109/2016/L.10)

Draft resolution A/AC.109/2016/L.10

33. *Draft resolution A/AC.109/2016/L.10 was adopted.*

Question of the British Virgin Islands (A/AC.109/2016/L.11)

Draft resolution A/AC.109/2016/L.11

34. *Draft resolution A/AC.109/2016/L.11 was adopted.*

Question of the Cayman Islands (A/AC.109/2016/L.12)

Draft resolution A/AC.109/2016/L.12

35. *Draft resolution A/AC.109/2016/L.12 was adopted.*

Question of Guam (A/AC.109/2016/L.14)

Draft resolution A/AC.109/2016/L.14

36. *Draft resolution A/AC.109/2016/L.14 was adopted.*

Question of Monserrat (A/AC.109/2016/L.15)

Draft resolution A/AC.109/2016/L.15

37. *Draft resolution A/AC.109/2016/L.15 was adopted.*

Question of Pitcairn (A/AC.109/2016/L.16)

Draft resolution A/AC.109/2016/L.16

38. *Draft resolution A/AC.109/2016/L.16 was adopted.*

Question of Saint Helena (A/AC.109/2016/L.17)

Draft resolution A/AC.109/2016/L.17

39. *Draft resolution A/AC.109/2016/L.17 was adopted.*

Question of the Turks and Caicos Islands (A/AC.109/2016/L.18)

Draft resolution A/AC.109/2016/L.18

40. *Draft resolution A/AC.109/2016/L.18 was adopted.*

Question of the United States Virgin Islands (A/AC.109/2016/L.19)

Draft resolution A/AC.109/2016/L.19

41. *Draft resolution A/AC.109/2016/L.19 was adopted.*

Organization of work

42. **Mr. Arcia Vivas** (Bolivarian Republic of Venezuela) said that his delegation welcomed the Committee's decision to consider each Non-Self-Governing Territory separately again, rather than grouping them in an omnibus resolution, so that more time and energy could be devoted to the situation in each Territory. The Committee must work tirelessly to bring about the decolonization of the small island Territories.

43. The Caribbean region was a central focus of the foreign policy of his Government, which had consistently backed efforts to strengthen regional ties with newly independent countries. In addition to supporting the Community of Latin American and Caribbean States (CELAC), it had launched its own initiatives: Petrocaribe, a programme which allowed participating Caribbean States to purchase oil from his country on preferential terms, and the Bolivarian Alliance for the Peoples of Our America (ALBA). It would continue to do its utmost to promote self-determination for the peoples of the region.

44. The Committee should encourage the participation in its informal meetings and seminars of governmental and non-governmental representatives promoting a variety of self-determination options, including independence. It must insist that the

administering Powers place their Territories on the road to self-determination, including independence. He was confident that steps would be taken to educate the peoples of the Territories about their inalienable right to self-determination and to ensure that their numbers were not diluted by uncontrolled or politically motivated immigration.

45. The Committee and the other relevant United Nations bodies had a duty to help the small island Non-Self-Governing Territories mitigate the effects of climate change and, in general, to help them to attain the Sustainable Development Goals. It also should give constructive consideration to the topic of financial activity in those Territories, with particular attention to the risk of their being used as tax havens, and it should assess the negative impact of military bases in some regions.

46. His delegation reminded the administering Powers to respect the sovereignty of indigenous peoples over their own resources and appealed to them to make a serious effort to promote economic development, diversification and sustainability, so that the decolonized peoples would not be economically dependent on the former colonial Power or at the mercy of transnational corporations.

47. His comments did not apply to the sovereignty dispute between Argentina and the United Kingdom over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas.

48. **Mr. Cousiño** (Chile) thanked the Committee for breaking up the omnibus resolution, as proposed by his delegation at the 2015 Caribbean Regional Seminar; the new approach had allowed the Committee to take a closer look at the situation of each one. Regarding the mediation on the subject of Puerto Rico approved at a recent meeting, he would appreciate clarification of the details.

49. **The Chair** said that it had been decided to adopt a proposal advanced by some petitioners for the Chair to explore the possibility of a dialogue between the Government of the United States and pro-independence Puerto Ricans.

Economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories (A/AC.109/2016/L.22)

Draft resolution A/AC.109/2016/L.22

50. *Draft resolution A/AC.109/2016/L.22 was adopted.*

Report of the Pacific Regional Seminar (A/AC.109/2016/CRP.1)

51. **The Chair** drew attention to the draft conclusions and recommendations of the Pacific Regional Seminar, which had been held in Managua, Nicaragua, from 31 May to 2 June 2016 (A/AC.109/2016/CRP.1).

52. **Mr. Cousiño** (Chile) said that, with the invaluable assistance of the secretariat and the Decolonization Unit, the drafting team had worked late to make final corrections to the report. The delegations could rest assured that their contributions to the seminar were accurately reflected. He wished to recognize the Rapporteur's tremendous contribution to both the seminar and its final document.

53. **The Chair** said he took it that the Committee wished to adopt the draft conclusions and recommendations of the 2016 Pacific Regional Seminar, for inclusion in the report of the Special Committee to the seventy-first session of the General Assembly.

54. *It was so decided.*

The meeting rose at noon.

United Nations A/AC.109/2016/SR.12

General Assembly

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 12th meeting
Held at Headquarters, New York, on Thursday, 30 June 2016, at 3 p.m.

Chair: Mr. Rivero Rosario (Vice-Chair) ..... (Cuba)
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16-11280 (E)

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In the absence of Mr. Ramirez Carreño (Bolivarian Republic of Venezuela), Mr. Rivero Rosario (Cuba), Vice-Chair, took the Chair.

The meeting was called to order at 10.35 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Question of French Polynesia (A/AC.109/2016/7; A/AC.109/2016/L.24)

Draft resolution A/AC.109/2016/L.24

2. **The Chair** recalled that at its 11th meeting the Committee had agreed to defer action on draft resolution A/AC.109/2016/L.24 in order to allow adequate time for consultations to be concluded. Those consultations had resulted in the consensus text before the Committee.

3. *Draft resolution A/AC.109/2016/L.24 was adopted.*

Question of sending visiting and special missions to Territories (A/AC.109/2016/L.5/Rev.2)

Draft resolution A/AC.109/2016/L.5/Rev.2

4. *Draft resolution A/AC.109/2016/L.5/Rev.2 was adopted.*

Organization of work

5. **The Chair** suggested that the Committee should authorize the Rapporteur to prepare the report of the Special Committee to the seventy-first session of the General Assembly. In accordance with established practice, the Committee should authorize the Rapporteur to submit the report directly to the Assembly.

6. *It was so decided.*

7. *Mr. Ramirez Carreño (Bolivarian Republic of Venezuela) took the Chair.*

Closure of the session

8. **The Chair**, reviewing the work accomplished by the Committee during the 2016 session, said that valuable information had emerged in the course of the recent Pacific Regional Seminar, not least because of the participation also of United Nations specialized agencies, whose expertise could do much to further decolonization. The success of the annual International Week of Solidarity with the Peoples of Non-Self-Governing Territories, which had included exhibitions, cultural events and academic discussions, had demonstrated the international interest in decolonization, despite the fact that the subject was unfortunately not at the moment a priority of the United Nations as a whole. There had been frank, informative discussions in the Committee on often contentious issues and all those who could make a constructive contribution had been heard. Yet the need to promote consensus and a calm, more effective approach had become apparent in view of the disruptive and undiplomatic behaviour of an observer delegation during the consideration of the question of Western Sahara. On the other hand, the Committee had made a wise decision to begin adopting separate resolutions on the small Territories in the Caribbean, the Pacific and the Atlantic, allowing it to deal properly with specific aspects of the individual Territories. Ways would have to be found to help those which had specifically requested assistance during the session. All administering Powers, as well, had been urged to become constructively involved in the Committee's work in order to fulfil their responsibility to hasten the self-determination of all the remaining dependent Territories. After the customary expression of thanks to the Committee members and Secretariat staff, he declared the session closed.

The meeting rose at 4.05 p.m.